

### Finality of Office Action

Initially, Applicant submits that finality of the outstanding Office Action is improper. In particular, the Office Action asserts that Applicant's previous amendments necessitated new grounds of rejection, such that the Office Action was made final. However, no claims were amended in the previous Response; the Examiner simply changed grounds of rejection. (Claim 20, newly presented in that Response, was simply allowable claim 11 presented in independent format.) Therefore, because the Examiner set forth new grounds of rejection whereas Applicant did nothing to precipitate the new grounds of rejection, the rejection can not properly be made final. Accordingly, Applicant requests that its finality be withdrawn.

### Claim Rejections

Claims 1-3, 6-10, 13-15, 19, and 20 are rejected under 35 U.S.C. § 102(b) as anticipated by Yoshida, JP 10-20510.<sup>1</sup> Claims 16 and 18 are rejected under 35 U.S.C. § 103(a) as obvious based on Yoshida.<sup>2</sup> Applicant traverses these rejections. In particular, all claims require that the fastener be heated essentially only during the deformation phase (which minimizes heat transfer to surrounding parts). Yoshida is silent as to how long heating takes place. Accordingly, Yoshida neither anticipates nor renders obvious the claimed invention, and Applicant requests that the rejection be withdrawn.

### Allowable Subject Matter

Claims 4, 5, 11, and 12 are objected to as depending from a rejected base claim but are otherwise indicated to be directed to allowable subject matter. In view of the foregoing, however, Applicant submits that all claims are in condition for allowance, and timely Notice to that effect is respectfully requested.

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<sup>1</sup> As noted parenthetically above, claim 20 was presented in the previous response as claim 11 in independent form because claim 11 had previously been indicated to be directed to allowable subject matter. Now, however, the Examiner has rejected that subject matter as anticipated. Applicant submits that such a change in position also precludes finality of the outstanding Office Action.

<sup>2</sup> The Office Action cites to JP '051 in connection with the obviousness rejection. Applicant believes the Examiner meant to cite to JP '510 instead, and has responded accordingly.

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The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Attorney Docket No.: 7589.149.NPUS01.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner may directly contact the undersigned by phone to further the discussion.

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Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Tracy W. Druce". The signature is fluid and cursive, with the first name "Tracy" being more prominent and the last name "Druce" following in a similar style.

Tracy W. Druce, Esq.  
Reg. No. 35,493